



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

HD:hd
Docket No: 05968-99
8 February 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: LTJG [REDACTED] USNI [REDACTED]
REVIEW OF NAVAL RECORD

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 dtd 9 Sep 99 w/attachments
(2) PERS-85 memo dtd 2 Nov 99
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Subject, hereinafter referred to as Petitioner, filed enclosure (1) with this Board requesting, in effect, that the applicable naval record be corrected to show his date of rank in the grade of ensign as 18 July 1997, vice 18 August 1997. He further impliedly requested that the date of rank and effective date of his promotion to lieutenant junior grade be adjusted accordingly to 18 July 1999, vice 18 August 1999.

2. The Board, consisting of Ms. Hardbower and LeBlanc and Mr. Kastner, reviewed Petitioner's allegations of error and injustice on 21 January 2000, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. In correspondence attached as enclosure (2), the Navy Personnel Command (NPC) office with cognizance over the subject matter of this case has commented to the effect that Petitioner's request has merit and warrants favorable action. They recommend changing his ensign Officer Appointment Acceptance and Oath of Office (A&O), block 16 ("Present Grade Date"), to show "97JUL18," vice "97AUG18," to establish his ensign date of rank as 18 July 1997, the date shown in block 14 ("Permanent Grade Date"). By so recommending, they also impliedly recommend changing his lieutenant junior grade date of rank and effective date accordingly, from 18 August 1999 to 18 July 1999.


CONCLUSION:

Upon review and consideration of all the evidence of record, and especially in light of the contents of enclosure (2), the Board finds the existence of an injustice warranting the following corrective action.

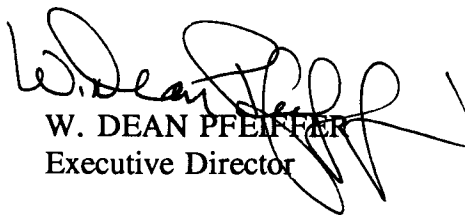
RECOMMENDATION:

- a. That Petitioner's naval record be corrected by modifying block 16 ("Present Grade Date") of his ensign A&O to show "97JUL18," vice "97AUG18."
 - b. That his record be corrected further to show his date of rank and effective date in the grade of lieutenant junior grade as 18 July 1999, vice 18 August 1999; and that his lineal precedence be adjusted accordingly.
 - c. That any material or entries inconsistent with the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
 - d. That a copy of this Report of Proceedings be filed at an appropriate location in Petitioner's naval record, and that another copy of this report be returned to this Board, together with any material directed to be removed from Petitioner's record, for retention in a confidential file maintained for such purpose.
4. Pursuant to Section 6(c) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(c)) it is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder


JONATHAN S. RUSKIN
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director

5968-99



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

5420

Ser 85/252

2 Nov 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LTJG [REDACTED] USNR, [REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending approval of LTJG [REDACTED]'s request to backdate his date of rank to 18 July 1997.

2. LTJG [REDACTED] Officer Appointment Acceptance and Oath of Office (A&O) block 14 reflects a permanent grade date as an Ensign as 18 July 1997. His current date of rank as LTJG is listed as 18 August 1999, which represents the present grade date block 16. The date of rank should be established from the permanent grade date in block 14.

3. Recommend his date of rank be backdated to 18 July 1997. Further, recommend LTJG [REDACTED]'s BCNR petition be forwarded for correction of the (A&O) to correctly match the present and permanent grade dates.

[REDACTED]
BCNR Liaison, Officer Promotions
and Enlisted Advancements Division